

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James B. Skelton,)	
)	C/A No. 3:11-91-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
U.S. Supreme Court on Appeal of Roe vs.)	
Wade 1973; John G. Roberts, Chief Justice;)	
Associate Justices,)	
)	
Defendants.)	
)	

Plaintiff James B. Skelton, proceeding pro se and in forma pauperis, filed a complaint on January 12, 2011, seeking to have Roe v. Wade, 410 U.S. 113 (1973), overturned. According to Plaintiff, the Supreme Court, in deciding Roe v. Wade, “violated the separation of powers by creating a law that legalizes murder.” Complaint 3 (ECF No. 1).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. § 1915. On February 1, 2011, the Magistrate Judge issued a Report and Recommendation in which he noted that Plaintiff has raised claims regarding Roe v. Wade in two previous actions, both of which were summarily dismissed. See Skelton v. United States Supreme Court, C/A No. 3:09-1435-MBS, Skelton v United States Supreme Court, C/A No. 3:09-1434-MBS. In addition, the Magistrate Judge noted that Plaintiff lacks standing to assert his claim. Accordingly, the Magistrate Judge recommended that Plaintiff’s complaint be summarily dismissed. Plaintiff filed objections to the Magistrate Judge’s Report and Recommendation on February 11, 2011 and April 25, 2011.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Plaintiff's objections recite that he is the parent of a special needs child, and that laws protecting disabled children should be extended to unborn children. Plaintiff contends that unborn children should have the right to life "as it is provided to all citizens." ECF No. 13. The district court need not conduct a de novo review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982). Nevertheless, the court has thoroughly examined the record. The court adopts the Report of and Recommendation and incorporates it herein by reference. Plaintiff's complaint is summarily dismissed without prejudice and without issuance and service of process.

In his objections, Plaintiff appears to seek to appeal this case. The Clerk of Court is directed to docket ECF No. 13 as a Notice of Appeal.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina
May 25, 2011